

REMARKS

This responds to the Office Action dated March 10, 2009. Claims 11-26 are pending, and currently stand rejected under 35 USC 103(a). The Abstract has also been objected to for containing the word "means." For the reasons discussed below, Applicant respectfully submits that the objection the Abstract, and the rejection under 35 USC 103(a) should be withdrawn, and this application should be passed to issuance.

The Abstract has been amended herein to remove the word "means." Therefore, the objection made by the Examiner has been overcome.

The sole rejection of claims 11-26 is based on a combination of U.S. Patent Nos. 7,329,900 (Yeh '900) and 7,389,698 (Hutter '698) under 35 U.S.C. § 103(a). Applicant respectfully submits that neither of these two references qualifies as "prior art" to the present application under 35 USC § 102 and, therefore, the rejection under 35 USC § 103(a) should be withdrawn. Specifically, the earliest possible prior art date under 35 USC § 102(e) for the Hutter '698 patent is the provisional application filing date of 8/24/05, as noted on the face of the Hutter '698 patent. The earliest possible prior art date under 35 USC § 102(e) for the Yeh '900 patent is its regular U.S. filing date of 1/16/06 as noted on the face of the Yeh '900 patent.

The present application claims the priority of a prior UK application with a filing date of 3/22/04, and further claims the priority of a PCT application with a filing date of 3/17/05. Each of these priority dates is prior to the effective § 102(e) dates of the references. Each of claims 11-26 pending in the present application is entitled to at least one of the two priority dates and, therefore, neither reference is qualified as prior art against the claims. The rejection under 35 USC § 103(a) should therefore be withdrawn.

In view of the foregoing amendments to the claims and the remarks set forth herein, Applicants believe this case is in condition for allowance and respectfully request allowance of the pending claims. If the Examiner believes any issue requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicants do not believe that any fees are due in connection with this submission. However, if any fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,

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